

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

V.

JOHNATHON IRISH

DOCKET NO. 19-CR-251-LM

**DEFENDANT'S MOTION IN LIMINE TO EXCLUDE DOWNLOAD TO
DEFENDANT'S PHONE (GOVERNMENT EXHIBIT 34B)**

Defendant Johnathon Irish hereby moves this Court in limine to exclude the Government's proposed Exhibit 34B, a download to the defendant's phone of a document entitled Quick Facts Felon in Possession of a Firearm. The only conceivable use of this document is to demonstrate consciousness of guilt. The document apparently was downloaded more than two weeks after the guns in this case were seized by federal agents. As such, the limited probative value of the fact that the item was downloaded is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Defendant
Johnathon Irish
By his Attorney,

/s/ Benjamin L. Falkner
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Dated: February 4, 2020

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the within document upon the attorney of record for the Government via the Court's ecf system on February 4, 2020.

/s/ Benjamin L. Falkner

Benjamin L. Falkner